

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CLIFFORD SCHUETT,

Case No. 2:20-cv-02315-KJD-VCF

Petitioner,

ORDER

v.

GOVERNOR STATE OF NEVADA, et al.,

Respondents.

Nevada state prisoner Clifford Schuett has filed what he has styled as a petition for writ of habeas corpus under 28 U.S.C. § 2254 seeking to be removed from the High Desert State Prison infirmary where he claims inmates with COVID-19 are being housed with inmates like Schuett who do not have COVID-19 (ECF No. 1-1). His application to proceed in forma pauperis is granted (ECF No. 3.) He alleges in his petition that prison officials are acting with deliberate indifference to a serious risk to his health and safety in violation of his rights under the Eighth Amendment. He claims that if he were to contract COVID-19 he would be at a high risk of serious illness and death given his age (66 years old) and his underlying health conditions (paraplegic confined to a wheelchair).

Having considered the petition under Habeas Corpus Rule 4, the court has concerns regarding the procedural viability and merits of the petition. Even so, the petition warrants service on the respondents and an expedited response.

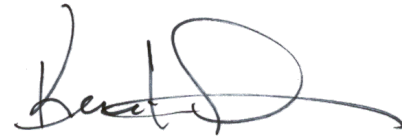
1 **IT IS THEREFORE ORDERED** that petitioner's application to proceed in forma
2 pauperis (ECF No. 3) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that that the Clerk of Court detach, file and
4 electronically serve the petition (ECF No. 1-1) and a copy of this order on the
5 respondents.

6 **IT IS FURTHER ORDERED** that the Clerk add Aaron D. Ford, Nevada Attorney
7 General, as counsel for respondents and provide respondents an electronic copy of all
8 items previously filed in this case by regenerating the Notice of Electronic Filing to the
9 office of the AG only.

10 **IT IS FURTHER ORDERED** that respondents will have **10 days** from the date of
11 entry of this order to appear in this action and to answer or otherwise respond to the
12 petition. Petitioner will then have **5 days** to file a reply.

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14 DATED: 9 February 2021.



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17 KENT J. DAWSON
18 UNITED STATES DISTRICT JUDGE
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